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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,265	11/09/2000	Toby Walker	450101-02303	5375
20999	7590	10/05/2004	EXAMINER	
FROMMER LAWRENCE & HAUG			VO, TUNG T	
745 FIFTH AVENUE- 10TH FL.				
NEW YORK, NY 10151			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,265

Applicant(s)

WALKER ET AL.

Examiner

Tung T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004 and 24 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/24/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US 6,081,278)

Re claims 1, 5, and 10, Chen discloses a data processor (12 of fig. 1) for generating feature data characteristic of input data (10 of fig. 1), comprising:

dividing means (12 of fig. 1, e.g. the input is divided into the video frames, object, and background) for dividing said input data into a plurality segments (the video source is segmented into the sub-sequence of video frames called video segments, see col. 6, line 45-col. 7, line 8);

calculating means (41 of fig. 3) for calculating features of a respective segment, said calculating means being operable to calculate a color feature denoting a color histogram (col. 8, line 62-col. 8, line 8);

measuring means (45 of fig. 3, e.g. background motion estimation between two frame features, see also 27 of fig. 6, e.g. the object motion estimator (83 of fig. 6)) for measuring similarities between segments based on their calculated features (fig. 4B);

grouping means (30 of fig. 2, 33 of fig. 3, and 35 of fig. 6) for generating said segments (video frames, objects) based on their calculated features (object track generator 27 of fig. 2) and measured similarities (background track generator (25 of fig. 2); see also fig. 16, wherein animation background images (231) are grouped together and so on for panorama (223), high resolution zoom-able still (225), and 3-D object images (227));

generating means (29 of fig. 2) for generating feature data corresponding to said scene;

transmitting means (14 of fig. 1, see also 203 of fig. 14A) for transmitting said feature data with said input data (fig. 16); and

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wherein said feature data is describes using descriptors each having its attributes define as lower-level elements (54A, 54B and 54C of fig. 4A, e.g. the sequence of frames are at lowest level elements that comprises feature data).

Re claims 2, 6, and 11, Chen further discloses wherein the input data includes at least one of visual data and audio data included in a video data (video sequence 10 of fig. 1).

Re claims 3, 7, 12, Chen further discloses wherein the descriptor is generated to inherit functions from a higher-class descriptor including the capability of structuring (a scene is at a higher level elements that comprises frames, features and additional information, col. 6, lines 50-67)).

Re claims 4, 8, and 13, Chen further discloses wherein the attribute as the lower-level element is structured by defining the attribute of the descriptor and/or a special attribute (BFi, BFi+1,, 71, 73, and 75 of fig. 5, e.g. a panoramic image and/or high resolution still image are a special attribute).

Re claims 9 and 15, Chen further discloses wherein the feature data is received along with the input data from an external apparatus (10 of fig. 1, external input, DVD... see also col. 4, lines 60-67), and the restoring means restores the feature of the input data and generates a processed one of the input data (playback 18 of fig. 1).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Walker et al. (US 6,710,822 B1) discloses a signal processing method and image voice processing apparatus for measuring similarities between signals.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TUNG T. VO
PATENT EXAMINER

T.Vo

Tung T. Vo
Primary Examiner
Art Unit 2613